

PERMIT NO. HI 0021806

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq.; the "Act") and Chapter 342D, Hawaii Revised Statutes, and Chapters 11-54 and 11-55, Hawaii Administrative Rules, Department of Health, State of Hawaii,

**KIILAE ESTATES LLC**

(hereinafter "PERMITTEE"),

is authorized to discharge storm water associated with construction activities from its **Kiilae Farms** project, located at South Kona, Island of Hawaii, to the receiving waters named Pacific Ocean, at coordinates: Latitude 19°24'27"N, Longitude 155°54'17"W, in accordance with the general requirements, reporting requirements, special requirements, and other conditions set forth herein, and in the attached Department of Health (DOH) "Standard NPDES Permit Conditions," dated December 31, 2002.

All references to Title 40 of the Code of Federal Regulations (CFR) are to regulations that are in effect on July 1, 2001, except as otherwise specified. Unless otherwise specified herein, all terms are defined as provided in the applicable regulations in Title 40 of the CFR.

This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

This permit will become effective \_\_\_\_\_.

This permit and the authorization to discharge will expire at midnight, five (5) years from the date of issuance.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
(For) Director of Health

**PUBLIC NOTICE PERMIT  
December 24, 2003**

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STANDARD NPDES PERMIT CONDITIONS, DATED DECEMBER 31, 2002 (ATTACHED)

**A. GENERAL REQUIREMENTS**

The Permittee shall:

1. Comply with all materials submitted in and with the application, dated February 19, 2003, and additional submittals, dated August 11, 2003, and December 10, 2003.
2. Retain a copy of the application, including other related materials, and this permit at the job site or at a nearby field office.
3. Ensure that anyone working under this permit complies with the terms and conditions of this permit.
4. Not cause or contribute to a violation of the basic water quality criteria as specified in Hawaii Administrative Rules (HAR), Chapter 11-54, Section 11-54-04.
5. Take all reasonable steps to minimize or prevent any discharge or disposal of sediments, oil, fuel, pesticides or any other pollutants which will cause or contribute to a violation of this permit or applicable law. Sediments or any other pollutants generated by the construction shall be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters.
6. Design, operate, implement, and maintain the construction site Best Management Practices (BMPs) plan to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable state water quality standards.
7. Implement the construction site BMPs plan, or amendments thereof, as often as needed to improve the quality of storm water discharges or when instructed by the Director of Health (Director).
8. Immediately stop, reduce, or modify construction, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.

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9. Inspect, at a minimum of once per week, the receiving state waters, storm water runoff and control measures and best management practices to detect violations of and conditions which may cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04. (e.g., the permittee shall look at storm water discharges and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)
10. Review the effectiveness and adequacy of the implemented site-specific BMPs plan(s) and sediment and erosion control plan(s) at a minimum of once per week, and update the plan as often as necessary. Any changes(s) to the site-specific BMPs plans and/or sediment and erosion control plans or correction(s) to information already on file with the Department of Health (DOH) shall be submitted to the Clean Water Branch (CWB) as such change(s) or correction(s) arises.
11. Submit signed copies of all reports required by this permit to the director at the following address or as otherwise specified:  
  
Director of Health  
Clean Water Branch  
Environmental Management Division  
State Department of Health  
P.O. Box 3378  
Honolulu, HI 96801-3378
12. Include the following certification statement and signature on each submittal in accordance with HAR, Chapter 11-55, Section 11-55-07(b):

**"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for**

**submitting false information, including the possibility of fine or imprisonment for knowing violations."**

13. Include the NPDES permit number (HI 0021806) on each submittal. Failure to provide the assigned NPDES permit number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

**B. REPORTING REQUIREMENTS**

The Permittee shall:

1. Submit the following site-specific information to the CWB **at least 30 days before the start of construction activities:**
  - a. Any general contractor's information which was not identified in the application. The information must include the general contractor's legal name, address (location where papers can be hand-delivered), contact person and title, telephone and fax numbers;
  - b. Construction site-specific BMPs plan containing, at a minimum, the following information:
    - (1) Site-specific map showing, at a minimum: approximate slopes anticipated after major grading activities; areas of soil disturbance; drainage patterns; areas used for the storage of soils or wastes; the location where stabilization practices are expected to occur; the location of all structural controls; the areas where vegetative practices are to be implemented; the location of impervious structures (including buildings, roads, parking lots, etc.) after construction is completed; wetlands and other state water(s); and the boundaries of 100-year flood plains, if determined;
    - (2) Site-specific plan to minimize erosion of soil and discharge of other pollutants into state waters, including removal procedures for the construction site best management practices;
    - (3) Descriptions of construction management techniques, vegetation controls, and structural controls;
    - (4) The identification of all potential pollutants that will be generated by the proposed construction activities and the proposed control measures or treatment, as applicable. These pollutants may include, but are not limited to: construction debris, removed vegetation; discharges associated with the operation and maintenance of the equipment, such as oil, fuel and hydraulic fluid

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leakage; soil erosion from the disturbed areas and stockpile areas; any non-storm water, location of oil, fuel or any hazardous material storage site(s) and containment structures;

- (5) If applicable, a county-approved erosion and sediment control plan as appropriate for the activity and a schedule for implementing each control; and
- (6) Descriptions of measures that will minimize the discharge of pollutants via storm water discharges after construction operations have been finished. Examples include: open, vegetated swales and natural depressions; structures for storm water retention, detention, or recycle; velocity dissipation devices to be placed at the outfalls of detention structures or along with the length of outfall channels; and other appropriate measures.

All related concerns and/or comments shall be properly addressed to the CWB's satisfaction before the start of each phase of future construction activities.

- 2. Complete and submit the enclosed Solid Waste Disclosure Form for Construction Sites to the Office of Solid Waste Management as specified on the form.
- 3. Immediately notify the Director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in section 16 of DOH "Standard NPDES Permit Conditions," dated December 31, 2002.
- 4. Submit any changes to information on file with the CWB as soon as changes arise. The Permittee shall properly address all related concerns and/or comments to the CWB's satisfaction.
- 5. Notify the CWB upon termination of the discharge activities pursuant to HAR, Chapter 11-55, Section 11-55-18.

**C. SPECIAL REQUIREMENTS**

1. The Permittee shall:
  - a. Limit the “disturbance of land”, as referenced in HAR, Appendix C, to a maximum of 20 acres per drainage area. The area of land disturbance may be reduced by the Director for water pollution control purposes. On a case-by-case situation, the Director may allow additional area to be disturbed provided that the Permittee can demonstrate to the Director’s satisfaction that the additional disturbance area will not cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.
  - b. Provide adequate BMP’s for temporary storage of any soils, or excavated materials.
  - c. Not discharge any non-storm water associated with the construction activities into State waters unless authorized by an appropriate permit, license, or approval.
  - d. Refrain from performing any work during heavy rainstorms.
  - e. Dispose of any waste at a State and/or County approved landfill site.
2. The following special conditions apply to all land disturbance work conducted under this permit:
  - a. Construction Management Techniques
    - (1) Clearing and grubbing shall be held to the minimum necessary for grading and equipment operation.
    - (2) Construction shall be sequenced to minimize the exposure time of the cleared surface area.
    - (3) Construction shall be staged or phased for large projects. Areas of one phase shall be stabilized before another phase is initiated. Stabilization shall be accomplished by temporarily or permanently



protecting the disturbed soil surface from rainfall impacts and runoff.

- (4) Erosion and sediment control measures shall be in place and functional before earth moving operations begin. These measures shall be properly constructed and maintained throughout the construction period.
- (5) All control measures shall be checked and repaired as necessary, for example, weekly in dry periods and within twenty-four hours after any rainfall of 0.5 inches or greater within a 24-hour period. During prolonged rainfall, daily checking is necessary. The permittee shall maintain records of checks and repairs.
- (6) The permittee shall maintain records of the duration and estimated volume of storm water discharge(s).
- (7) A specific individual shall be designated to be responsible for erosion and sediment controls on each project site.

**b. Vegetation Controls**

- (1) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than twenty calendar days prior to land disturbance.
- (2) Temporary soil stabilization with appropriate vegetation shall be applied on areas that will remain unfinished for more than thirty calendar days.
- (3) Permanent soil stabilization with perennial vegetation or pavement shall be applied as soon as practical after final grading. Irrigation and maintenance of the perennial vegetation shall be provided for thirty calendar days or until the vegetation takes root, whichever is shorter.

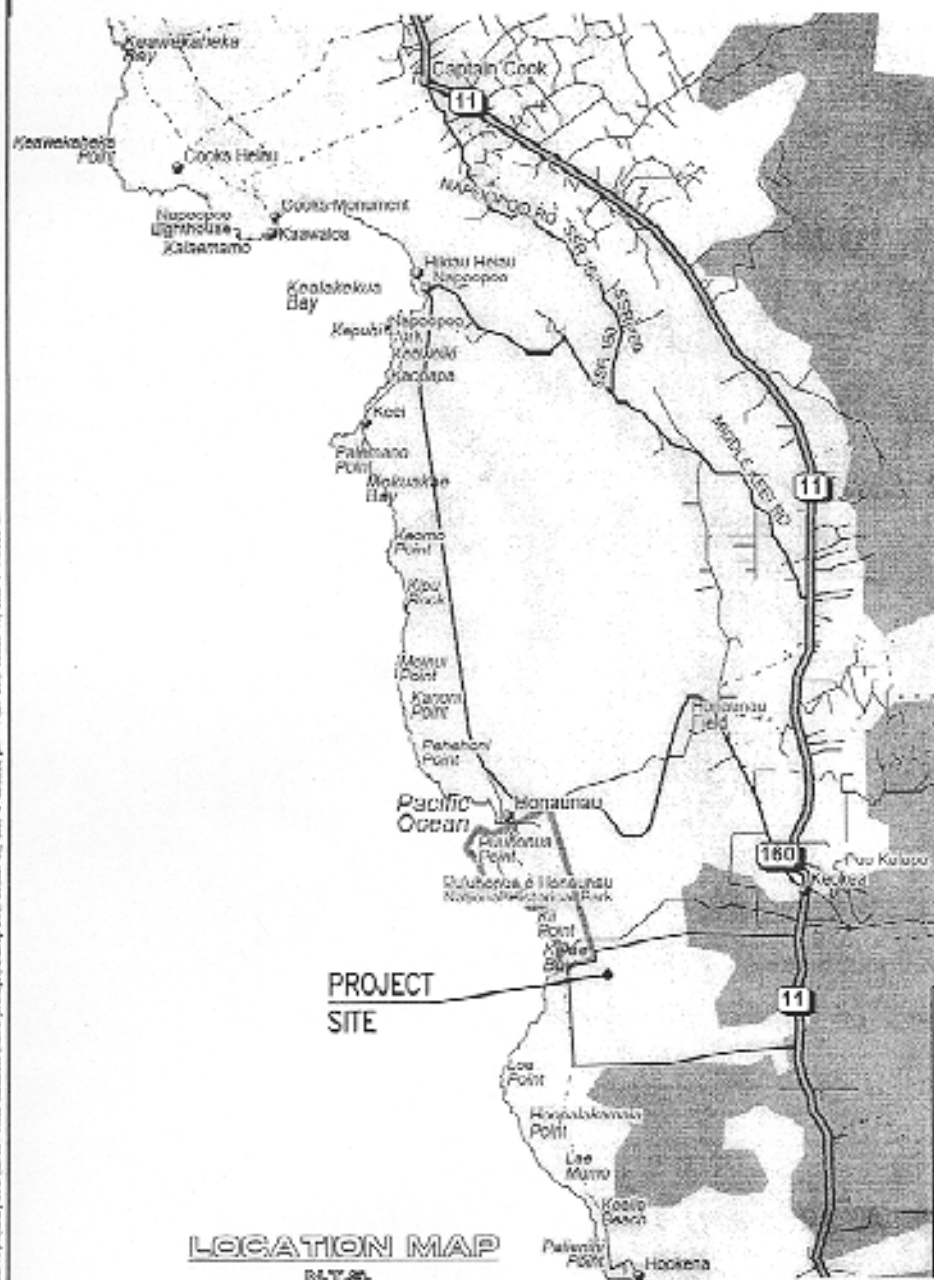
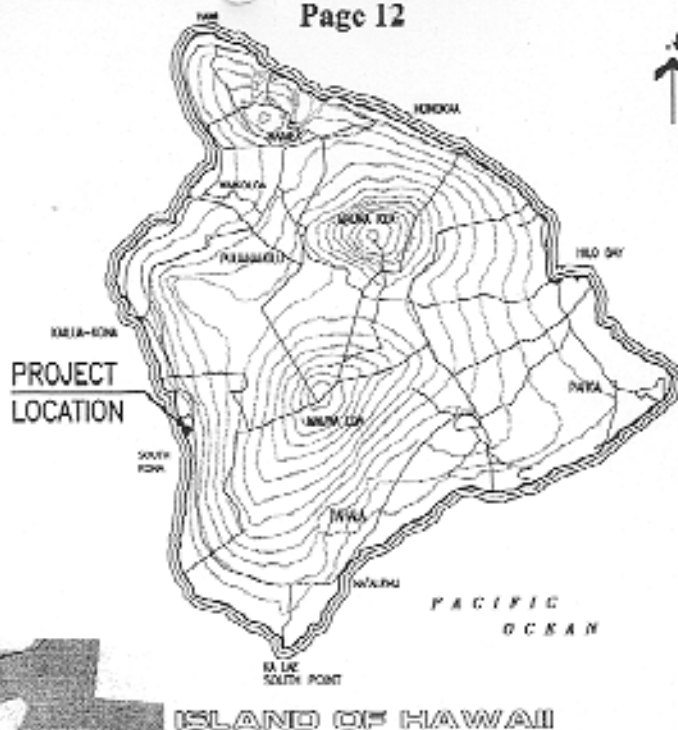
c. Structural Controls

- (1) Storm water flowing toward the construction area shall be diverted by using appropriate control measures, as practical.
- (2) Erosion control measures shall be designed according to the size of disturbed or drainage areas to detain runoff and trap sediment.
- (3) Water must be discharged in a manner that the discharge shall not cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.

**D. LOCATION MAP**

See Attachment.

12051PGY.03b



**M&E Pacific, Inc.**  
AN AECOM COMPANY  
SUITE 1000, PALAHU TOWER - 1001 BISHOP ST., HONOLULU, HAWAII 96813

**Figure 1**  
**Vicinity Map**  
Kilise Farms  
Drainage Report  
September 2003

**PUBLIC NOTICE PERMIT**  
December 24, 2003

Attachment